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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,005	02/19/2002	Jeffrey R. Oar	10006644-1	1271

7590 02/28/2008  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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REHMAN, MOHAMMED H

ART UNIT	PAPER NUMBER
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2116

MAIL DATE	DELIVERY MODE
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02/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/081,005	<b>Applicant(s)</b> OAR ET AL.	
	<b>Examiner</b> MOHAMMED H. REHMAN	<b>Art Unit</b> 2116	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The office acknowledges the receipt of the following and placed of record in the file:

Amendment dated 1/10/08

2. **Claims 23-34** are presented for examination.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 23-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6785724 to Drainville et al (hereinafter, "Drainville"), in view of US Patent No 6317831 to Peter F. King (hereinafter, "King").

**As per claim 23**, Drainville discloses a method by which a portable computer [(16+22) with (30+Modem)] interacts with a client, the method comprising the following:

- Waking the portable computer [Fig-1, (16+22) with (Tapping Web Server 30+Modem)] from a sleep mode in response to the portable computer receiving a communication directly from the client [Fig-1(request from client 10 goes directly to portable computer)] with no intervening devices and no intermediary devices (column 1, lines 62-64);
- Recognizing the communication by the portable computer (inherent given the computer responding to the communication);
- Responding to the communication by the portable computer, including the following:

- Generating a response (column 2, lines 25-31), and
- Transmitting the response to the client, the transmitting being performed via another communication transmission (column 2, lines 25-31); and,
- Returning the portable computer to the sleep mode (column 6, lines 37-40; the phone tap method described in column 6, lines 3-13 is a method of waking the server, thus the system is inherently put to sleep after the client request has been answered).

Drainville fails to disclose a handheld device. King teaches communication that is a wireless communication from a handheld device (column 15, lines 52-54). An advantage of the system taught by King is a quickly achieved secure connection (column 4, lines 61-66). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Drainville by King. Motivation to combine is the ability to quickly create a secure connection.

- **As per claim 24**, King teaches a method wherein the transmission of the response by the portable computer is made directly to the hand held device via a wireless network (figure 9).
- **As per claim 25**, Drainville teaches a method wherein the communication is an access by the client into a database within the portable computer (column 1, lines 62-64; column 2, lines 25-31).

King teaches communication that is a wireless communication from a handheld device (column 15, lines 52-54).

- **As per claim 33**, King teaches wherein the handheld device is a personal digital assistant (PDA) [col- 15 lines: 52-54].

- **As per claims 26 and 29**, Drainville discloses a method by which a portable computer [(16+22) with (30+Modem)] interacts with a client, the method comprising the following:
  - Waking the portable computer [Fig-1, (16+22) with (Tapping Web Server 30+Modem)] from a sleep mode in response to the portable computer receiving a communication directly from the client [Fig-1(request from client 10 goes directly to portable computer)] with no intervening devices and no intermediary devices (column 1, lines 62-64);
  - Recognizing the communication by the portable computer (inherent given the computer responding to the communication);
  - Performing an action in response to the communication by the client (column 2, lines 25-31);
  - Returning the portable computer to the sleep mode (column 6, lines 37-40; the phone tap method described in column 6, lines 3-13 is a method of waking the server, thus the system is inherently put to sleep after the client request has been answered).

King teaches communication that is a wireless communication from a handheld device (column 15, lines 52-54).

- **As per claims 27 and 30**, King teaches a method wherein the wireless communication is performed via a wireless network (904).
- **As per claims 28 and 31**, Drainville teaches a method wherein the communication is an access by the client into a database within the portable computer (column 1, lines 62-64; column 2, lines 25-31). King teaches communication that is a wireless communication from a handheld device (column 15, lines 52-54).

- **As per claims 32 and 34**, King teaches wherein the handheld device is a personal digital assistant (PDA) [col - 15 lines: 52-54].

***Response to Arguments***

4. Applicant's arguments filed 6/20/05 have been fully considered but they are not persuasive.
5. Regarding **Claims 23, 26 and 29** Applicant argues that "In Drainville, client 10 does not communicate with the on-demand web server 22 until after web server 22 has been awakened by the tapping server. Therefore, no communications (wireless or otherwise) from client 10 is used to wake up the on-demand server". Examiner disagrees. However a portable computer is now equated as (16+22) with (Tapping Web Server 30+Modem) [in Fig-1]. A request from client 10 is going to portable computer [Tapping Web Server 30+Modem] is now communicating with the portable computer and thus in fact teaches the argued feature.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed H. Rehman whose telephone number is 571-272-1412. The examiner can normally be reached on 9.00-5.00 (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR

/Thuan N. Du/

Primary Examiner, Art Unit 2116